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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,016	04/04/2000	Gudrun Vandeginste	PHN 17,395	5698

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EXAMINER

LO, LINUS H

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/543,016	VANDEGINSTE, GUDRUN	
	Examiner	Art Unit	
	Linus H Lo	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2000, Pre-Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5,7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because it fails to provide a suitable descriptive legends to identify the box-elements where are necessary for understanding the drawing. See 37 CFR 1.84(o). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claim3, the phrase "e.g." is considered as the meaning "for example" that renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Thus appropriated correction is required.

Claim Objections

4. Claim 3 is objected to because of the following informalities:

The parenthesis are used for reciting the reference characters in the claim. See MPEP § 608.01(m). Thus parenthesis as appears in claim 3 should be remove.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. '306 in view of Jun '922.

Considering claim 1, Miller et al. discloses an automatic luminance and contrast adjustment for display device. Miller et al. discloses the following limitations, note:

- a) the claimed apparatus for processing signals is met by apparatus as described in abstract and Fig. 4;
- b) the claimed parameter control means controlling parameters of said signals is met by microprocessor 18 and Fig. 5 as described at column 5, lines 21-66, where the step 10 of the processing step provides the controlling and adjustment of the parameter (luminance, contrast);
- c) the claimed parameter control means being adapted to cause adjustments to said parameters in response to current ambient factors or properties of said signal which is met by the description at column 5, lines 42-49 and Fig. 5, where the function step 7 demonstrates the adjustment is in response to the surrounding luminance.

However, Miller et al. does not explicitly disclose the indicator means for presenting a level indicator which is indicative of said adjustments.

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Nonetheless, Jun discloses a color video apparatus for displaying on-screen a hue control state of a color video signal. Jun discloses the claimed indicator means for presenting a level indicator of the adjustments which is met by the OSD signal generator 30 (Fig. 2, column 2, lines 1-18), where an adjustment state of a display parameter is being indicated as an OSD signal that is displayed on the screen.

It is noted that Jun further teaches that such OSD indication of a display parameter having the advantage to allow the user more easily see the present display parameters control state, even the viewer is far from the screen as described at column 3, lines 14-20.

The examiner submits that it would have been obvious to one having ordinary skill in art at the time the invention was made to modify the system of Miller et al. with the teaching of Jun for the stated advantage.

Considering claim 2, Miller et al. disclose the following limitations, note:

- a) *a control means* for setting a preferred parameter level to be input into said parameter control means as described by the memory 20 as described at column 5, lines 20-23, where the described default value of the parameters setting are considered as the preferred parameter level; and
- b) the claimed parameter control means being adapted to compute said adjustment as a function of said preferred parameter level and said current ambient factors or properties of said signal is met by the description of the function step 9 and 10 at column 5, lines 42-67 and Fig. 5, where S9 demonstrate the calculation for adjustment based on the

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surrounding luminance (ambient factor) and the desired perceived luminance level $L(x)$ (preferred parameter level).

However, Miller et al. does not explicitly teaches the claimed user control means for setting a preferred parameter level.

Nonetheless, Jun teaches the claimed user control means for setting a preferred parameter level that is met by the key input portion 10 (Fig. 1, and column 2, lines 1-3).

The examiner submits that it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the Miller et al. system using the user control means for setting as taught by Jun in order to provide a user selectable display parameter setting according to the viewer preference.

Considering claim 3, note :

- a) the claimed limitation of said signals being video signals is met by the display devices as column 6, lines 59-62 where an video signal display is encompassed;
- b) the claimed parameter being picture parameters consists contrast, brightness and saturation is met by the description at column 5, lines 20-23; and
- c) the claimed ambient factor being ambient light is met by the description at column 4, lines 38-4, where the surrounding luminance is considered as the ambient light.

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Consider claim 4, the reference of Miller et al. and Jun disclose the claimed apparatus as discussed in claim 1, above. However, the combination of Miller et al. and Jun does not explicitly disclose that a television receiver comprising an apparatus as in claim 1.

Nevertheless, Miller et al. discloses that the system of Miller is applicable to different of types of display devices and may be readily employed in a variety of dives that utilize electronic imaging (column 6, lines 59-62). Furthermore, Jun discloses that display parameter adjustment is widely utilized in the television receiver apparatus as described at column 1, lines 9-15.

The examiner submits that it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the system of Miller et al. and Jun in a television receiver in order to facilitate the display parameter adjustment that responds to both manual changes and ambient (surrounding) factor dependent changes.

Considering claims 5-6, the claims are the method claims of the apparatus claims 1-2. The recited functional steps are inherently performed by their corresponding apparatus claims. Thus claims 5-6 are rejected for the same reason as set forth in the above obviousness rejection that is applied to the claims 1-2 respectively.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Ottenstein discloses an arrangement for automatically controlling brightness of cockpit displays.

Beretta discloses a method and apparatus for adjusting correlated color temperature.

Barth et al. discloses an ambient light-dependent video signal processing.

Brown discloses a circuit for indicating antenna signal input level on television receiver screen.

Hidaka et al. discloses an image processing apparatus, method, and recording medium for performing color correction suitable for matching ambient light for different types of output devices.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linus H. Lo whose telephone number is (703) 305-4039.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

lhl *U*

September 27, 2002


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600